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#8

PATENT  
Attorney Docket No.: INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

Applicants: Joseph M. Fernandez et al.

Art Unit: 1646

Serial No.: 09/990,091

Examiner

Filed: November 21, 2001

APR 11 2002  
TECH CENTER 1600/2900

Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE  
SEQUENCES

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in connection with the above-identified patent application,  
please find the following:

- (1) Response to Request for Corrected Filing Receipt (2 pgs)
- (2) Request for Corrected Filing Receipt; (2 pgs);
- (3) Copy of Filing Receipt reflecting changes; (2 pgs); and
- (4) Return postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, 3-22-02, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

Yinia Najar  
(Name of Person mailing Paper)

Yinia Najar 3-22-02  
(Signature of Person Mailing Paper) Date

In re Application of:  
Joseph M. Fernandez  
Application No.: 09/990,091  
Filed: November 21, 2001  
Page 2

PATENT  
Attorney Docket No.: INVIT1120-3

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date: March 22, 2002

  
Richard J. Imbra  
Registration No. 37,643  
Telephone: (858) 677-1496  
Facsimile: (858) 677-1465

**USPTO CUSTOMER NO. 28213**

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133

MAR 19 2002



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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GRAY CARY WILLELLS

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/990,091	11/21/2001	Joseph M. Fernandez	INVIT1120-3

O I P E  
MAR 29 2002  
SCA  
PATENT & TRADEMARK OFFICE  
28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

CONFIRMATION NO. 1288



\*OC000000007590852\*

Date Mailed: 03/06/2002

TECH CENTER 1600/2900

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## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

### Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 USC 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**

S. Yomane  
Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202



PATENT  
Attorney Docket No.: INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph M. Fernandez et al.

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Serial No.: 09/990,091

Examiner

APR 11 2002

Filed: November 21, 2001

TECH CENTER 1600/2900

Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE  
SEQUENCES

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

**SECOND REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please ADD in the priority data to read as follows –**WHICH IS A CIP OF U.S. SERIAL NO. 09/054,936, FILED APRIL 3, 1998–**.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, 3-22-02, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

Yinia Negar  
(Name of Person mailing Paper)

Yinie Negar 3-22-02  
(Signature of Person Mailing Paper) Date

In re Application of:  
Joseph M. Fernandez  
Application No.: 09/990,091  
Filed: November 21, 2001  
Page 2

PATENT  
Attorney Docket No.: INVIT1120-3

Applicants accordingly request the correction be made of record.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: March 22, 2002



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**USPTO CUSTOMER NO. 28213**

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/990,091	11/21/2001	1646	0.00	INVIT1120-3	1	38	4

CONFIRMATION NO. 1288

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
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SAN DIEGO, CA 92121-2189

FILING RECEIPT



\*OC000000007178773\*

Date Mailed: 12/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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Assignment For Published Patent Application

INVITROGEN CORPORATION;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/843,281 04/25/2001  
WHICH IS A CON OF 09/647,651 ABN  
WHICH IS A 371 OF PCT/US99/07270 04/02/1999

WHICH IS A CIP OF U.S. SERIAL NO 09/1054, 936 FILED APRIL 3, 1998

Foreign Applications

UNITED STATES OF AMERICA US99/07270 04/02/1999

If Required, Foreign Filing License Granted 12/04/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**Title**

Methods for producing libraries of expressible gene sequences

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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**NOT GRANTED**

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